

REMARKS

Applicant respectfully requests reconsideration and allowance in view of the following remarks.

Applicant notes that Claims 4-5 contain allowable subject matter.

Claim Rejections: 35 USC § 103

The Examiner has rejected claims 1-3 under 35 USC 103(a) as being unpatentable over Maekawa et al. Applicant disagrees. More specifically, Maekawa teaches that the probe is used to cause a shearing deformation in the pad in order to "break off the oxide film" on the pad surface. *See as one example Maekawa col. 5, lines 20-26.* Thus, Maekawa specifically teaches away from a "controlled force" as set forth in Applicant's independent claim 1. Additionally, Maekawa specifically teaches that maintaining electrical continuity between the probe and the pad is the critical feature and reason for causing the deformation and breakthrough in the oxide layer. *Id. lines 10-55.* According to Maekawa there is no measurement of characteristics as long as the contact resistance is below a certain value; in other words as long as there is electrical continuity. Thus, once again, Maekawa specifically teaches away from yet another feature of Applicant's invention relating to "measuring a characteristic related to the first film and the second film" as set forth in Applicant's independent claim 1. In light of the foregoing, Applicant requests withdrawal of Examiner's rejection of independent claim 1 and full allowance of same.

Claims 2 and 3 depend from and further limit, in a patentable sense, independent claim 1 and, hence are also in condition for allowance. Therefore, Applicant requests withdrawal of Examiner's rejection of claims 2 and 3 and full allowance of same.

Allowable subject matter

Claims 4 and 5 contain allowance subject matter, but depend from allowable independent claim 1 and, hence, are in condition for allowance. Thus, Applicant requests withdrawal of Examiner's objection to claims 4 and 5 and full allowance of same.


Conclusion

All objections and rejections having been addressed, and in view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he or she is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted

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REPLY TO CUSTOMER NO. 27498

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